

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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GREGORY HARDY,

Case No. 1:07-CV-1169

Petitioner,

Hon. Richard Alan Enslen

v.

WILLIE SMITH,

**ORDER**

Respondent.

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This matter is before the Court on Petitioner Gregory Hardy's *pro se* Second Request for Restoration of Court Records Lost or Destroyed. In the Court's Order of June 2, 2008, which concerned Petitioner's Motion for Restoration for [sic] Court Record(s) Lost or Destroyed, the Court instructed Petitioner that if he "seeks copies of certain documents *in forma pauperis*, he must specify which documents he seeks and the reasons they should be supplied *in forma pauperis*." (Dkt. No. 15.)

Petitioner now alleges he seeks "copies of his original filing of his writ of habeas corpus and the attachments which may include copies of transcripts, preliminary [sic], plea and sentencing records, copies of each of the lower court's orders [sic] sentencing court, Court of Appeals and Michigan Supreme Court [sic] and a copy of this court's final order dated April 16, 2008." (Mot. 1.) Although Petitioner has now specified which documents he seeks, Petitioner has failed to adequately supply a reason why his request should be granted *in forma pauperis*. Petitioner alleges he is "seeking such documents in order to file a writ of certiorari in the U.S. Supreme Court" and, in conclusory fashion, that "he is indigent." (*Id.*) Petitioner has failed to comply with Federal Rule

of Appellate Procedure 24.<sup>1</sup> Moreover, Petitioner does not seek such documents for a proper purpose because petitioning the Supreme Court for a writ of certiorari is not ripe. *See* Sup. Ct. R. 13.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner Gregory Hardy's Second Request for Restoration of Court Records Lost or Destroyed (Dkt. No. 16) is **DENIED WITHOUT PREJUDICE** to future motion.

DATED in Kalamazoo, MI:  
July 7, 2008

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup>To wit, Petitioner must file an affidavit that: "(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." Fed. R. App. P. 24; *see also Kincade v. Sparkman*, 117 F.3d 949, 951–52 (6th Cir. 1997).